

REMARKS

The Final Office Action mailed on September 25, 2008 has been reviewed.
Claims 1-29 are pending in this application.

Double Patenting Rejection

Claims 1-10, 14-18, 27 and 28 were rejected under the judicially created doctrine of double patenting over claims 1 and 5 of U.S. Patent No. 7,298,137 in view of Dames et al. (U.S. Patent No. 5,814,0910).

Claims 1-10, 14-18, 27 and 28 were rejected under a non-statutory double patenting rejection, specifically U.S. Patent No. 7,298,137 in view of Dames et al. (U.S. Patent No. 5,814,0910). A new Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to over come the Double Patenting rejections.

Serial No.: 10/531,591

Filing Date: 4/15/2005

Attorney Docket No. 215.004US01

Title: SENSING METHOD AND APPARATUS

CONCLUSION

Applicant respectfully submits that claims 1-29 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 11/18/2008

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